

**Reprint
as at 3 June 2017**



**Christchurch–Lyttelton Road Tunnel Authority
Dissolution Act 1978**

Public Act 1978 No 51
Date of assent 11 October 1978
Commencement see section 1(2)

Christchurch–Lyttelton Road Tunnel Authority Dissolution Act 1978: repealed, on 3 June 2017, by section 3(1) of the Statutes Repeal Act 2017 (2017 No 23).

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An Act to abolish tolls for use of the Christchurch–Lyttelton Road Tunnel and to dissolve the Christchurch–Lyttelton Road Tunnel Authority

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Transport.

1 Short Title and commencement

- (1) This Act may be cited as the Christchurch–Lyttelton Road Tunnel Authority Dissolution Act 1978.
- (2) This Act shall come into force on 1 April 1979.

2 Interpretation

In this Act, unless the context otherwise requires,—

Authority means the Christchurch–Lyttelton Road Tunnel Authority established under section 3 of the Christchurch–Lyttelton Road Tunnel Act 1956

Board means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

New Zealand Transport Agency means the Agency established under section 93 of the Land Transport Management Act 2003

tunnel means the Christchurch–Lyttelton Road Tunnel constructed under the authority of the Christchurch–Lyttelton Road Tunnel Act 1956.

Section 2 **account**: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2 **Board**: substituted, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2 **New Zealand Transport Agency**: inserted, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2 **Transit**: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2 **Transit New Zealand**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

3 Dissolution of Authority and abolition of tolls

- (1) The Christchurch–Lyttelton Road Tunnel Authority is hereby dissolved.
- (2) All tolls prescribed in respect of the use of the Christchurch–Lyttelton Road Tunnel are hereby abolished.

4 Vesting of assets and liabilities of Authority in Crown

- (1) On the commencement of this section—
 - (a) all real property, including the tunnel, belonging to the Authority, and all rights and obligations attaching thereto is hereby vested in the Crown:
 - (b) all other assets, and debts, loan charges, liabilities, and obligations of any nature, whether present or contingent, belonging to or subsisting immediately before the date of commencement of this Act in the name of or on behalf of the Authority shall become the assets, debts, loan charges, liabilities, and obligations of the Crown.
- (2) The District Land Registrar, on receiving a written request from the Minister of Works and Development, incorporating a reference to this section, shall with-

out fee make such entries in his registers and on any outstanding documents of title and generally do all such things as may be necessary to give effect to the provisions of subsection (1) in respect of land and interests in land specified in the request.

- (3) All references to the Authority in any security or other document whatever which is subsisting immediately before the date of commencement of this section, or in any notice or other communication served, given, or sent before, on, or after that date in relation to any such security or other document shall, unless the context otherwise requires, be read as references to the Crown.

5 Continuance of proceedings

- (1) All proceedings pending by or against the Authority on the date of commencement of this Act in respect of its undertaking or functions may, if arising out of any matter specified in section 4, be carried on, completed, and enforced by or against the Crown or, if arising out of any other matter, may be carried on, completed, and enforced by or against the New Zealand Transport Agency on behalf of the Crown.
- (2) Any proceedings resulting from any matter arising before the date of commencement of this Act but not commenced before that date may be commenced, carried on, completed and enforced—
- (a) by or against the Crown, if the proceedings relate to any matter specified in section 4:
- (b) by or against the New Zealand Transport Agency on behalf of the Crown, if they relate to any other matter specified in the Christchurch–Lyttelton Road Tunnel Act 1956.

Section 5(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 5(2)(b): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

6 Tunnel to be public highway, etc

- (1) The tunnel and the approaches thereto are hereby declared to be a public highway.
- (2) Subject to sections 4 and 7—
- (a) there shall be payable, out of the balance of the fund within the meaning of the Land Transport Management Act 2003, all costs in respect of the operation and maintenance of the said public highway:
- (b) all money payable to the Authority or the Board is payable to the New Zealand Transport Agency and is to be treated as land transport revenue for the purposes of the Land Transport Management Act 2003:

- (c) the benefit of any contract or undertaking entered into by or on behalf of the Authority or the Board shall be deemed to be assigned to the New Zealand Transport Agency on behalf of the Crown.

(3) *[Repealed]*

Section 6(2): substituted, on 1 October 1989, by section 116(4) of the Government Roading Powers Act 1989 (1989 No 75).

Section 6(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 6(2)(a): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 6(2)(b): substituted, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 6(2)(c): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 6(3): repealed, on 1 October 1989, by section 116(4) of the Government Roading Powers Act 1989 (1989 No 75).

7 Authorising Lyttelton Harbour Board to provide services

Subject to such apportionment of costs and expenses and to such other conditions as may be agreed upon between the Lyttelton Harbour Board and the New Zealand Transport Agency, that Harbour Board is hereby authorised to provide, in respect of the tunnel, electrical, mechanical, and ventilation maintenance services.

Section 7: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

8 Saving of bylaws and bylaw-making powers

- (1) Notwithstanding the repeal of the Christchurch–Lyttelton Road Tunnel Act 1956 but subject to section 3(2) of this Act, all bylaws made by the Authority under the Christchurch–Lyttelton Road Tunnel Act 1956, unless sooner revoked, and all bylaws made by the Board under this Act, shall become bylaws of the New Zealand Transport Agency and may be revoked or altered by the New Zealand Transport Agency, but until so revoked every such bylaw shall remain in force.
- (2) The New Zealand Transport Agency may from time to time, in respect of the tunnel, make, revoke, or alter any bylaw which the Authority could have made, revoked, or altered under the Christchurch–Lyttelton Road Tunnel Act 1956.
- (3) The making, revocation, or alteration of any such bylaw shall be by resolution of the New Zealand Transport Agency and be done in the same manner as the New Zealand Transport Agency may make, revoke, and alter bylaws under the Government Roading Powers Act 1989.
- (4) For the purposes of the Land Transport Act 1998, any bylaw made under this section is to be treated as being made under section 22AB of the Land Transport Act 1998.

- (5) Every person who acts in contravention of or fails to comply with any bylaw for the time being in force under this section commits an offence and shall be liable on conviction to a fine not exceeding \$200 and, if the offence is a continuing one, to a further fine not exceeding \$10 for every day or part of a day during which the offence has continued.

Section 8(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 8(1): amended, on 1 October 1989, by section 116(4) of the Government Rounding Powers Act 1989 (1989 No 75).

Section 8(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 8(3): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 8(4): substituted, on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

Section 8(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

9 Repeal

The Christchurch–Lyttelton Road Tunnel Act 1956 is hereby repealed.

Reprints notes

1 *General*

This is a reprint of the Christchurch–Lyttelton Road Tunnel Authority Dissolution Act 1978 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Statutes Repeal Act 2017 (2017 No 23): section 3(1)

Criminal Procedure Act 2011 (2011 No 81): section 413

Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13): section 100(3)

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(1)

Land Transport Management Act 2003 (2003 No 118): section 90

Government Roadway Powers Act 1989 (1989 No 75): section 116(4)